

SENATE MOTION

MR. PRESIDENT:

I move that Senate Bill 481 be amended to read as follows:

- 1 Page 5, after line 34, and before line 35, begin a new line block
- 2 indented and insert:
- 3 **"(1) appeal pursuant to IC 20-5.5-4;"**.
- 4 Page 5, line 35, delete "(1)" and insert **"(2)"**.
- 5 Page 5, line 37, delete "(2)" and insert **"(3)"**.
- 6 Page 5, after line 41 and before line 42, begin a new paragraph and
- 7 insert:
- 8 **"Chapter 4. Appeals; Standard of Review and Procedures**
- 9 **Sec.1. The board, upon receipt of a notice of appeal or upon**
- 10 **the board's own motion, may in accordance with this chapter**
- 11 **review the decision of a governing body concerning a charter**
- 12 **school.**
- 13 **Sec.2. A charter applicant or any person who wishes to appeal**
- 14 **a decision of a governing body concerning a charter school shall**
- 15 **provide the board and the governing body with a notice of appeal**
- 16 **within thirty (30) days after the governing body's decision.**
- 17 **Sec.3. If the appeal is for a denial, nonrenewal, or revocation**
- 18 **of a charter, the person bringing the appeal shall limit the grounds**
- 19 **of the appeal to the grounds specified by the governing body. The**
- 20 **notice must include a brief statement of the reasons the appellant**
- 21 **contends that the governing body's decision was in error.**
- 22 **Sec.4. If the notice of appeal or a motion of the board to review**
- 23 **relates to a governing body's decision to deny, refuse to renew, or**
- 24 **revoke a charter or to a governing body's unilateral imposition of**
- 25 **conditions that are unacceptable to the charter school or the**
- 26 **charter applicant, the appeal and review process is as follows:**
- 27 **(1) Within sixty (60) days after receipt of the notice of**
- 28 **appeal or of the board's making of a motion to review**
- 29 **and after reasonable public notice, the board, at a public**
- 30 **hearing which may be held in the school corporation**
- 31 **where the proposed charter school is located, shall**
- 32 **review the decision of the governing body and make**

1 findings. If the board finds that the local board's
2 decision was contrary to the best interests of the
3 students, the school corporation, or the community, the
4 board shall remand the decision to the governing body
5 with written instructions for reconsideration of the
6 decision. The instructions must include specific
7 recommendations concerning the matters requiring
8 reconsideration.

9 (2) Within thirty (30) days following the remand of a
10 decision to the governing body and after reasonable
11 public notice, the governing body, at a public hearing,
12 shall reconsider the decision and make a final decision.

13 (3) If the governing body's final decision is to deny,
14 refuse to renew, or to revoke a charter or to unilaterally
15 impose conditions that are unacceptable to the charter
16 school or the charter applicant, a second notice of
17 appeal may be filed with the board within (30) days
18 following the governing body's final decision.

19 (4) Within (30) days following receipt of the second
20 notice of appeal or the making of a motion for a second
21 review by the board and after reasonable public notice,
22 the board, at a public hearing, shall determine whether
23 the final decision of the governing body was contrary to
24 the best interest of the students, school corporation, or
25 community. If such a finding is made, the board shall
26 remand the final decision to the governing body with
27 instructions to approve the charter application. The
28 decision of the board is final and is not subject to appeal.

29 **Sec.5. If the notice of appeal, or the motion to review by the**
30 **board, relates to a local board's decision to grant a charter, the**
31 **appeal and review process is as follows:**

32 (1) Within sixty (60) days after receipt of the notice of
33 appeal or of the board's making of a motion to review
34 and after reasonable public notice, the board, at a public
35 hearing which may be held in the school corporation
36 where the proposed charter school is located, shall:

37 (A) review the decision of the governing body; and

38 (B) determine whether the decision was arbitrary
39 and capricious or the establishment or operation of
40 the proposed charter school would:

41 (i) violate any federal or state laws concerning
42 civil rights;

43 (ii) violate any court order;

44 (iii) threaten the health and safety of students
45 in the school corporation;

46 (iv) violate the provisions of this charter
47 concerning the permissible number of charter
48 schools; or

49 (v) be inconsistent with the equitable
50 distribution of charter schools among school
51 corporations.

52 (2) If a determination is made under subdivision (1)(B),

1 the board shall remand the decision to the local board
 2 with instructions to deny the charter application. The
 3 decision of the board is final and not subject to
 4 approval.

5 **Sec.6. This chapter does not alter the requirement that a**
 6 **charter school is a part of the school corporation where the charter**
 7 **school is located and is accountable to the governing body of the**
 8 **school corporation.”.**

9 Page 5, line 42, delete “4” and insert “**5**”.
 10 Page 7, line 13, delete “5” and insert “**6**”.
 11 Page 7, line 38, delete “6” and insert “**7**”.
 12 Page 9, line 34, delete “7” and insert “**8**”.
 13 Page 11, line 10, delete “8” and insert “**9**”.
 14 Page 12, line 36, delete “9” and insert “**10**”.
 15 Page 13, line 40, delete “10” and insert “**11**”.
 16 Page 14, line 7, delete “11” and insert “**12**”.
 (Reference is to SB 481 as printed February 12, 1999).

Senator BREAUX